

JUN-21-2007 THU 03:38 PM

FAX NO.

RECEIVED  
CENTRAL FAX CENTER

P. 05

JUN 21 2007

Application No. 10/797,192  
Amendment dated June 21, 2007  
After Final Office Action of March 22, 2007

Docket No.: 2519-0294PUS1

**REMARKS**

Claims 1 and 3-6 remain pending in the present application. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

**Claim Rejection - 35 U.S.C. §102**

With respect to Paragraph 3 and 4 of the Office Action, the Office Action rejects claims 1 and 3-6 under 35 U.S.C. §102(b) as being anticipated by Shafer (U.S. 6,147,719). Of the rejected claims, only claim 1 is independent. This rejection is respectfully traversed.

Accordingly, applicants respectfully request that the rejection be withdrawn.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP §2131)

Independent claim 1 of the present application defines a wireless human input device. This wireless human input device includes at least one wireless human transmitting unit and a wireless human receiving unit. The wireless human transmitting unit generates leading signals. The wireless human receiving unit receives the leading signals for identifying the wireless human transmitting unit. The leading signals have preceding waveform signals with different waveform lengths for identifying the wireless human transmitting unit.

With particular reference to Shafer, the purpose of the prior art is related to a pulse position modulation protocol, and Shafer fails to teach the same preceding waveform signals as the present invention.

Referring to column 4 lines 66-67, Shafer teaches that the dead time should precede the leader to ensures the receiver side synchronization to the leader, such as the triplet. Furthermore,

Application No. 10/797,192  
Amendment dated June 21, 2007  
After Final Office Action of March 22, 2007

Docket No.: 2519-0294PUS1

column 4 lines 37-39 of Shafer also discloses that the leader is utilized to synchronize the start of the pulse train as received by the receiver. However, the preceding waveform signals with different waveform lengths is used for identifying the wireless human transmitting unit as defined in independent claim 1 of the present application.

In fact, column 4 lines 57-59 of Shafer has disclosed that the first nonbinary data packet 84 includes a device code, for example where the number 1 indicated a keyboard input and the number 2 indicated a trackball input (as shown in Fig. 5 of Shafer). Furthermore, Shafer also defines the term "nonbinary" as "the packet has a single pulse occurring at one of three or more discernible times after a reference time" (column 4 lines 44-46). That is, Shafer identifies the input device by when the single pulse of the first nonbinary data packet occurring, but not the wavelength of the first nonbinary data packet. However, the leading signals as defined in independent claim 1 of the present application have preceding waveform signals with different waveform lengths for identifying the wireless human transmitting unit. Contrary to the statement of the Office Action that all elements and limitations are disclosed in Shafer, the preceding waveform signals is not, so the rejection is unsupported by the art and should be withdrawn.

Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the art of record and respectfully requests the 35 U.S.C. §102(b) rejection of claim 1 to be reconsidered and withdrawn. In addition, insofar claims 3-6 depend from independent claim 1 and add further limitations thereto, the 35 U.S.C. §102(b) rejection of these claims should be withdrawn as well.

Reconsideration and withdrawal of this rejection is respectfully requested.

### CONCLUSION

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims define patentably over prior arts. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

JUN-21-2007 THU 03:39 PM

RECEIVED  
CENTRAL FAX CENTER

P. 07

FAX NO.

JUN 21 2007

Application No. 10/797,192  
Amendment dated June 21, 2007  
After Final Office Action of March 22, 2007

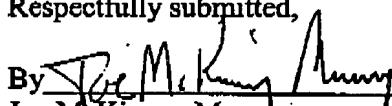
Docket No.: 2519-0294PUS1

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 21, 2007

Respectfully submitted,

By   
Joe McKinney Muncy  
Registration No.: 32,334  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant